IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 12TH JULY 2006 / 21ST ASHADHA,1928

Bail Appl..No. 4118 of 2006

(CRIME NO.542/2006 OF KUNDARA POLICE STATION)

PETITIONERS/ACCUSED

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1. DILEEP KUMAR.K., S/O.KARUNAKARAN PILLAI,
   AGED 35 YEARS, RESIDING AT LATHIKA MANDIRAM,
   KALLUMTHAZHAM, KILIKOLLOOR, KOLLAM.

2. BIJU.P., S/O.PARAMESWARAN PILLAI,
   AGED 35 YEARS, RESIDING AT BINU BHAVAN,
   DECENT JUNCTION, KOLLAM.

3. SIVADASAN.K.R., SON OF RAMAKRISHNAN,
   AGED 44 YEARS, RESIDING AT KIZHAKOOT,
   MANAKKAD CHERRY, VADAKKEVILA, KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2006, ALONG WITH B.A.NO.4119/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4118/06 & 4119/06

DATED THIS THE 12TH DAY OF JULY, 2006

O R D E R

The accused 3 to 5, in crime No.542/2006 of Kundara Police Station are the petitioners before this Court, in B.A.No.4118/2006, under Section 438 Cr.P.C.

2. The very same persons in the above application are also the accused 3 to 5 in crime No.543/2006 of the same police Station, in B.A.No.4119/06, which is also filed under Section 438 Cr.P.C.

3. The offence alleged in both the cases are under Sections 420, 465 and 467 IPC read with Section 34 IPC. Both the crimes had been registered at the instance of two complainants, the complaint having preferred separately before the Judicial Magistrate of First Class-I, Kollam, and having forwarded to the police, under Section 156(3) Cr.P.C.

4. The allegation against the petitioners in both the cases are almost similar. The petitioners are the

brokers, trading in raw cashew nuts. There was a demand for the supply of raw cashew nuts of Nigerian origin. It is alleged by the respective complainant that the petitioners had introduced the first accused, the supplier, to the complainants and the first accused received the money. It was later on found that the bill of lading was a forged one.

5. After hearing both sides and considering that there are also similar case involving these petitioners and other accused with different complainants, I direct the petitioners herein, to surrender before the investigating officer of Kundara Police Station, on 18.7.2006 between 10.00 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioners in the crimes, as per the law and shall produce them before the competent Magistrate Court of the area. If the investigating officer needs the police custody of these petitioners, he shall file application(s) before the Magistrate Court, praying for the custody of the petitioners in which event, the learned Magistrate shall

hear both sides and pass appropriate orders on merit. If no application is so filed, the petitioners shall be released on bail, imposing such conditions, as are deemed necessary, by the learned Magistrate.

The applications are disposed of as above.

J.M.JAMES
JUDGE

mrcs